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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON DC 20037

|                                   |   |          |
|-----------------------------------|---|----------|
| In re Application of              | : |          |
| Yamana et al.                     | : |          |
| Application No. 10/575,626        | : |          |
| PCT No.: PCT/JP2004/015620        | : |          |
| Int. Filing Date: 21 October 2004 | : | DECISION |
| Priority Date: 21 October 2003    | : |          |
| Att. Docket No.: Q93742           | : |          |
| For: Novel Protein And Production | : |          |
| Process And Use Thereof           | : |          |

The petition to revive under 37 CFR 1.137(b) filed on 09 February 2009 in the above-captioned application is hereby **DISMISSED**, without prejudice, as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The surcharge under 37 CFR 1.492(h) has been paid, but the remainder of the required reply (in the form of an oath or declaration compliant with 37 CFR 1.497(a) and (b)) has not been filed. It is noted that petitioner filed a Supplemental ADS on 29 June 2007 which provides citizenship information, but an ADS may not be relied upon to provide the citizenship, per 37 CFR 1.497(a)(3). As such, a new declaration listing the citizenship information at the time it is executed is required (that is, petitioner may not alter the existing, signed declaration document by later adding the citizenship data thereto).

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459